

PATENT COOPERATION TREATY PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

16.03.2004

Applicant's or agent's file reference 31083WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/E 03/00111	International filing date (day/month/year) 18.08.2003	Priority date (day/month/year) 16.08.2002
International Patent Classification (IPC) or both national classification and IPC G07F19/00		
Applicant INTERNET PAYMENTS PATENTS LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 16.03.2004	Date of completion of this report 23.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Bocage, S Telephone No. +49 89 2399-7200 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/E 03/00111**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-19 as originally filed

Claims, Numbers

1-51 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-5,8-15,17-20,23-30,32-35,38-45
	No: Claims	1,6,7,16,21,22,31,36,37,46-51
Inventive step (IS)	Yes: Claims	2-5,8-15,17-20,23-30,32-35,38-45
	No: Claims	1,6,7,16,21,22,31,36,37,46-51
Industrial applicability (IA)	Yes: Claims	1-51
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: WO 01 33522 (AMERICAN EXPRESS TRAVEL RELATED (US)) 10 May 2001 (2001-05-10)

1- The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claims 1, 16, 31, 46 and 51 is not novel over the prior art.

2- claim 1:

Document D1 discloses a system and method for transferring funds between parties connected over a network (Fig. 2). The system comprises buyers (Fig. 2 ref. 204), sellers (Fig. 2 ref. 206) and a transaction mechanism (Fig. 2 ref. 202) controlling the financial transaction. The transaction mechanism (Fig. 5) has a storage device (Fig. 5 ref. 522) holding customers registration data and escrow accounts (page 16 lines 25 to 30). D1 discloses all the steps of the method according to claim 1 of the present application:

- the remitter send transaction detail and receiver ID (page 15 lines 29 to 34)
- a confirmation to the receiver that the funds are available in the escrow account (Fig. 8 ref. 8; page 29 lines 30 and 31)
- releasing the funds to the receiver account on a specified event (page 16 line 30 to page 17 line 6)

3- claims 16, 31:

These independent claims differ from claim 1 in that:

- the system server computer or the entity computers may be outside the jurisdiction; this difference (outside the jurisdiction) does not produce a technical effect of any kind. It follows that this non-technical feature cannot serve to distinguish claims 16 and 31 from claim 1 regarding to Article 33(2) PCT.
- further confirmation messages are sent and received between the parties; see D1 Fig. 8.

4- claims 46 to 50:

D1 discloses a computer program comprising program instructions for causing a computer to carry out the steps of the method of claims 1, 16 and 31. The program can be embodied

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on different carriers see on page 30 from 29 to page 31 line 26.

5- claim 51:

The examiner could not see the difference between the subject-matter of claim 51 and the subject-matter of 46. Consequently claim 51 is not new (see previous paragraph) and is considered as redundant.

6- Dependent claims 6, 7, 21, 22, 36 and 37 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect to novelty (Article 33(2) PCT) and inventive step (Article 33(3) PCT), the reasons being as follow:

- a specified event e.g. expiry of an agreed settlement date is disclosed in D1 page 16 line 33 to 36;
- user's registration and funding of an escrow account is disclosed in D1 page 18 lines 11-12 and lines 19-22;

6- Industrial applicability (Article 33(4) PCT) is obvious for all claims.